

## 2008 JUN 23 PH 4: 14

PTO/SB/66 (10-05)
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PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF	Docket Number (Optional)
MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))	TOBINICK 3.0-013 (CIP)
Mail to: Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 Fax: (571) 273-8300  NOTE: If information or assistance is needed in completing this form, please contact Petitions at (571) 272-3282.	RECEIVED  JUL 0 2 2008  REFIGE OF PETITIONS
Patent No. <u>6,537,549</u> Application Number <u>09/841,844</u>	
Issue Date <u>03/25/2003</u> Filing Date <u>04/25/2001</u>	
CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the number (or reissue patent number, if a reissue) and (2) the application number or actual U.S. application (or reissue application) leading to issuance of that patent ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and	f the to
Also complete the following information, if applicable	
The above - identified patent:	
is a reissue of original Patent No, original issue date original filing date	te;
resulted from the entry into the U.S. under 35 U.S.C. 371 of international application filed on	
CERTIFICATE OF MAILING (37 CFR 1.8(a))	
I hereby certify that this paper (along with any paper referred to as being attached or enclosed) the United States Postal Service on the date shown below with sufficient postage as first class addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22 transmitted to the U.S. Patent and Trademark Office on the date shown below.	ss mail in an envelope
June 12, 2008 Eva Sutto	
Date Signature	
/2008 DALLEN 00000013 6537549 Ezra Sutton, Esq.  Typed or printed name of person signing Certifications (Certification) Typed or printed name of person signing Certification (Certification) Typed or printed name of person signing Certification (Certification) Typed or printed name of person signing Certification (Certification) Typed or printed name of person signing Certification (Certification) Typed or printed name of person signing Certification (Certification) Typed or printed name of person signing Certification (Certification) Typed or printed name of person signing Certification (Certification) Typed or printed name of person signing Certification (Certification) Typed or printed name of person signing Certification (Certification) Typed or printed name of person signing Certification (Certification) Typed or printed name of person signing Certification (Certification) Typed or printed name of person signing Certification (Certification) Typed or printed name of person signing Certification (Certification) Typed or printed name of person signing Certification (Certification) Typed or printed name of person (Certification) Typed or printed name of the Certification (Certification) Typed or prin	ificate
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[Page 1 of 3]
This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. PTO/SB/66 (10-05)
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	1. SMALL ENTITY						
Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.					<b>0 2</b> 2008		
2. LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS							
			tus. See 37 CFR 1.27(g).	OFFICE	OFFICE OF PETITION		
	E FEE (37 CFR 1.20)		this petition, unless it was p	aid <sub>,</sub> earlier.			
NOT Small Entity			Small Entity				
Amount	Fee	(Code)	Amount	Fee	(Code)		
	3 1/2 yr fee	(1551)	<b>√</b> \$ 465.00	3 1/2 yr fee	(2551)		
\$	7 1/2 yr fee	(1552)	\$	7 1/2 yr fee	(2552)		
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OR Send refund check.  WARNING:	OFFICE (	OF PETITIONS
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8. STATEMENT		
The delay in payment of the maintenance fee to this patent was unintentional.		
<ol> <li>PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE ACCEPTED AND THE PATENT REINSTATED.</li> </ol>	E FEE BE	
	June 12, 20	008
Signature(s) of Petitioner(s)	Date	
Ezra Sutton, Esq.	25.770	
		r, if applicable
732-634-3520		
Telephone Number		1
900 Route 9 North		
Address		
Woodbridge, N.J. 07095 Address		
37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or registered to practice before the Patent and Trademark Office, or by the patentee, the ass or other party in interest."  ENCLOSURES:	agent ignee,	
✓ Maintenance Fee payment		
✓ Surcharge under 37 CFR 1.20(i)(2) (fee for filing the maintenance fee petition)		



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## EZRA SUTTON. P. A.

A PROFESSIONAL CORPORATION

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WOODBRIDGE, NEW JERSEY 07095

PATENT AND TRADEMARK ATTORNEYS

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OFFICE OF PETITIONS

June 11, 2008

(732) 634-3520 FAX: (732) 634-3511 www.ezrasutton.com

## **VIA EMAIL AND MAIL**

Dr. Edward L. Tobinick 100 UCLA Medical Plaza, Suite 205 Los Angeles, California 90024-6903

643/08

FOR PROFESSIONAL SERVICES RENDERED:

Re: Our File: TOBINICK 3.0-013 (CIP)

U.S. Patent No. 6,537,549 (U.S.S.N. 09/541,844)

Date of Patent: March 25, 2003 (Filed: April 25, 2001)

CYTOKINE ANTAGONISTS FOR THE TREATMENT

OF LOCALIZED DISORDERS

For disbursements in connection with the payment of the patent maintenance fee for U.S. Patent No. 6,537,549.

P.S. See attached Petition and check as filed.

ES/pq

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## PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF Docket Number (Optional) MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c)) TOBINICK 3.0-013 (CIP) RECEIVED Mail to: Mail Stop Petition Commissioner for Patents JUL 0 2 2008 P.O. Box 1450 Alexandria, VA 22313-1450 OFFICE OF PETITIONS Fax: (571) 273-8300 NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282. Patent No. 6,537,549 Application Number 09/841,844 Issue Date 03/25/2003 \_\_ Filing Date \_\_04/25/2001 CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number (or reissue patent number, if a reissue) and (2) the application number of the actual U.S. application (or reissue application) leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d). Also complete the following information, if applicable The above - identified patent: is a reissue of original Patent No. \_\_\_\_\_\_, original issue date \_\_\_\_ original application number \_\_\_\_\_\_, original filing date resulted from the entry into the U.S. under 35 U.S.C. 371 of international application \_\_\_\_\_ filed on \_\_\_\_ CERTIFICATE OF MAILING (37 CFR 1.8(a)) I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below. huma 25, 2008 Re-1-+ Ezra Sutton, Esq. Typed or printed name of person signing Certificate

[Page 1 of 3]

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<ul> <li>✓ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.</li> <li>LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS</li> <li>Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g).</li> </ul>					RECEIVI Jul 0 2 20
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;	B. STATEMENT					
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	37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or ager registered to practice before the Patent and Trademark Office, or by the patentee, the assigned or other party in interest."	nt e,				
	ENCLOSURES:					
	✓ Maintenance Fee payment					
	Surcharge under 37 CFR 1.20(i)(2) (fee for filing the maintenance fee petition)					
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